

Appl. No. 09/788,229  
Amdt. dated Jan. 13, 2005

Reply to Office Action of October 26, 2004

**Amendments to the Drawings**

The attached formal sheets replace originally filed informal Figures 1, 2 and 3.

Attachment: Three replacement sheets for Figures 1, 2 and 3.

Appl. No. 09/788,229  
Amdt. dated Jan. 13, 2005

Reply to Office Action of October 26, 2004

### **REMARKS**

The October 26, 2004 Office Action rejected all claims pending in the application under 35 USC §102e. The present Amendment and Response, (i) amends the specification to correct minor errors and omissions, (ii) amends claims 1, 2, 5, 10 and 12, (iii) cancels claims 3-4 and 6-7, (iv) adds new claims 14-22 for the Examiner's consideration, and (v) provides formal drawing Figures 1, 2 and 3. Applicant respectfully requests consideration of the enclosed amendments and remarks and withdrawal of the Section 102 rejections.

#### **In the Specification**

Applicant submits amendments to pages 7 and 14 of the specification to correct minor errors and omissions. No new matter is being added.

#### **In the Drawings**

Applicant submits herewith formal drawing Figures 1, 2 and 3 to replace originally filed informal figures. No new matter is being added.

#### **In the Claims**

Applicant submits amendments to claims 1, 2, 5, 10 and 12 to clearly define the inventive subject matter.

New claims 14-22 are submitted herewith for the Examiner's consideration.

#### **Section 102(e) Claim Rejections**

All claims, 1-13, stand rejected under 35 U.S.C. §102(e) as being anticipated by Elliot et al., U.S. Patent No. 6,754,181, issued June 22, 2004. For the following reasons, Applicant respectfully traverses these rejections.

In general, Elliot discloses a directory service for routing communication to an internet gateway in a hybrid network system. The directory service selects one or more candidate gateways from a database and transmits a message command to each of the candidates. The message instructs the candidate gateways to "ping" a

Appl. No. 09/788,229  
Amdt. dated Jan. 13, 2005

Reply to Office Action of October 26, 2004

requesting client computer. The system ranks the candidate gateways based upon the ping results.

Applicant's disclosure is a VOIP directory service to locate a desired called party to set up a real-time communication between the calling party and the desired called party. The directory service includes a gateway to seamlessly connect unrelated networks (e.g., PCM to IP, and vice versa). The calling party is able to interact with the directory service to negotiate the desired called party name. For instance, the called party may initially speak or key-in the desired called party name or number and the service audibly responds back with a name match. If the reply name is not the desired called party name, then the calling party is given the opportunity to navigate through the directory database and listen to various other names. Once the desired called party name is heard, the calling party gives an approval. A translation database may be used to find a connection address for the called party device and a communication link between the calling party and the called party is attempted.

In contrast to Elliot, Applicant's claims recite a gateway and directory service capable of interacting with the calling party. For example, Applicant's claim 1 recites *"the VOIP gateway providing a voice prompt and response to the calling party request...and...operating in response to a calling party approval..."* Further, Applicant's claim 10 recites, *"negotiating an acceptable name with the calling party"* and claim 17 recites, *"the VOIP gateway to audibly reply to the calling party a name associated with the match and an approval prompt to accept the name."*

To establish a 102 rejection, the Examiner must show that a single reference teaches each and every element of Applicant's claims. The Examiner identified nearly 30 columns of consecutive text in Elliot and stated that this recitation discloses that the gateway and directory service operate in response to the calling party approval. Applicant respectfully disagrees with the Examiner's reference to the cited Elliot text and submits neither the voluminous citation or the remainder of Elliot teach that the gateway and directory service interacts with the calling party as recited in Applicant's claims.

Accordingly, Applicant submits that Elliot fails to teach each and every element of Applicant's disclosure as claimed and the Examiner is respectfully requested to withdraw the Section 102 rejections to claims 1, 2, 5 and 8-13.

Appl. No. 09/788,229  
Amdt. dated Jan. 13, 2005

Reply to Office Action of October 26, 2004

IDS

On March 29, 2001 and March 15, 2004, Applicant mailed two separate and distinct Information Disclosure Statements in accordance with 37 CFR §§1.56, 1.97 and 1.98. The Office received both mailing as evidenced by the return receipt post cards stamped April 2, 2001 and March 17, 2004, respectively. Applicant did not receive an Examiner initialed copy of either IDS with the October 26, 2004 Office Action or any other mailings from the Office. Applicant kindly requests the Examiner to search the application file wrapper and return initialed copies of the two Forms or notify Applicant for a duplicate IDS mailing.

CONCLUSION

In view of the foregoing, Applicant requests withdrawal of the Section 102 rejections, entry of the enclosed amendments, and consideration of new claims 14-22. No new matter is being submitted. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the application, then the Examiner is invited to contact the undersigned at the Examiner's convenience. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
Inter-Tel, Inc.

Date:

January 13, 2005

By:



Michelle R. Whittington, Esq.  
Corporate IP Counsel  
Reg. No. 43,844

**INTER-TEL, INC.**

7300 W. Boston St.  
Chandler, AZ 85226  
Direct: (480) 961-9000 x21352  
Facsimile: (480) 961-8073  
Email: michelle\_whittington@inter-tel.com

Attachment:

Three Replacement Sheets